

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. CR-21-275-C
	)	
CESAR ALEJANDRO FONSECA	)	
ECHAVARRIA,	)	
	)	
Defendant.	)	

ORDER

Defendant has filed a Motion to Continue the trial of this case, presently set for the December 2022 trial docket, to the January 2023 trial docket. Defendant notes that Plaintiff does not object to the request. In support of the request, Defendant's counsel states additional time is needed to review the voluminous discovery materials received from Plaintiff. Counsel notes that additional discovery material is expected from Plaintiff. Additionally, the Court notes that counsel very recently began representing Defendant.

After consideration of the Tenth Circuit's rulings in United States v. Toombs, 574 F.3d 1262 (10th Cir. 2009); United States v. Larson, 627 F.3d 1198 (10th Cir. 2010), and the parameters of the Speedy Trial Act, the Court finds that a continuance is in the interest of justice for the following reasons:

1. Due to the issues set forth above, the Court concludes that the current trial date does not permit adequate time for either party to effectively prepare for trial.
2. While there have been numerous continuances in this matter, each has been necessary to protect Defendant's right to have adequately prepared counsel at the trial of

this matter. As noted, Defendant's new counsel entered an appearance less than one month ago. Considering the volume of discovery produced in the case additional time to prepare is clearly needed.

3. Finally, the Court finds the above issues outweigh any interest the public has in the trial occurring in December 2022 as opposed to January 2023. 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, the Defendant's Motion to Continue Jury Trial (Dkt. No. 287) is GRANTED. This matter shall be set on the Court's January 2023 trial docket. The time shall be excluded from the speedy trial clock.

**IT IS SO ORDERED** this 30<sup>th</sup> day of November 2022.

  
ROBIN J. CAUTHRON  
United States District Judge